UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

FELICIANO GONZALEZ-CASTILLO,

Petitioner,

v.

JOSEPH E. FREDEN, Facility Director, Buffalo Service Processing Center, Deputy Field Office Director, U.S. Immigration and Customs Enforcement, in his official capacity; STEVEN KURZDORFER, Acting Field Office Director, Buffalo Field Office, U.S. Immigration and Customs Enforcement, in his official capacity; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; and KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity,

Respondents.

Case No.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Petitioner Feliciano Gonzalez-Castillo, a citizen of Mexico, is unlawfully detained in the physical and legal custody of Respondents at the Buffalo Service Processing Center in Batavia, New York. The Petitioner has been present and lived in the United States for more than more than 21 years since his initial entry without inspection ("EWI"), has held the same job for thirteen years, and has three (3) U.S. citizen children, one of whom (Marco Antonio Gonzalez Silva) is active-duty military in the United States Army. The Petitioner is neither a flight risk nor a danger to public safety.

2. For decades, noncitizens who entered without inspection, were arrested in the United States and were placed into removal proceedings were generally subject to discretionary detention under 8 U.S.C. § 1226(a) (and its predecessor statute). Under that framework, they could

be considered for release on bond or conditional parole by the Department of Homeland Security ("DHS") and receive a bond hearing in immigration court before an immigration judge ("IJ") who could order release if the noncitizen was found not to pose an undue flight risk or danger that justified continued detention.

3. Without any change in the statute or regulations, Respondents upended this long-held understanding of the law in 2025. First, on July 8, 2025, U.S. Immigration and Customs Enforcement ("ICE") issued an interim guidance memo stating that anyone who entered without inspection was ineligible for release on bond and could not challenge their detention at a bond hearing in immigration court, regardless of how long an individual has lived in the United States. **[Exhibit 1 – July 8, 2025 ICE Policy Guidance]**

4. As a result, DHS attorneys started arguing, and some IJs started finding, that such individuals were not eligible for bond hearings in immigration court.

5. Then, on September 5, 2025, the Board of Immigration Appeals ("BIA") issued a precedential decision, binding upon all IJs, holding that an IJ had no authority to consider bond requests for any person who entered the United States without inspection. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The BIA determined that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond.

6. Although such individuals are technically eligible for release on humanitarian parole under 8 U.S.C. § 1182(a)(d)(5)(A), in practice, DHS is not exercising this authority (it would defeat the punitive purpose of this policy). As a result, thousands of detainees, including the Petitioner, are being subjected to indefinite, mandatory detention by the Respondents in

violation of the law and without any individualized determination as to whether they should be detained.

7. The Petitioner was detained by ICE, an agency within DHS, without cause and without a properly issued warrant in Rahway, New Jersey, on or about October 29, 2025. ICE subsequently transferred the Petitioner to the Buffalo Service Processing Center in Batavia, New York, where he remains.

8. The Petitioner has been issued a Notice to Appear, the charging document in immigration court. **[Exhibit 2 – Notice to Appear]** He is eligible for relief in the form of military parole-in-place (specific parole available only to the immediate relatives of active-duty U.S. military members upon application) and cancellation of removal for non-lawful permanent residents. As explained below, the Petitioner has not been charged as, nor is he under the law, an arriving alien in his removal proceedings; however, Respondents purport to take the position that, as a matter of law, he is subject to indefinite, mandatory detention.

9. On December 3, 2025, the Petitioner filed a request for custody redetermination (bond). On December 6, 2025, that motion was unlawfully denied for lack of jurisdiction by the Immigration Judge pursuant to *Matter of Yajure-Hurtado*, 29 I.&N. Dec. 216 (BIA 2025). **[Exhibit 3 - Order of the Immigration Judge]**

10. On October 29, 2025, ICE created an I-213, Record of Deportable/Inadmissible Alien stating on the Continuation Page for Form I-213 (page 2 of 3) that his criminal history is "CRIMINAL: No records found or claimed." On November 6, 2025, ICE submitted a RAP Sheet for the Petitioner (his FBI background check) which indicates that he was arrested on September 18, 2018 in New York for what appears to be a misdemeanor DWI, and also appears to have been

ticketed on August 14, 2018 for a misdemeanor for driving without a license. **[Exhibit 4– I-213, Record of Inadmissible/Deportable Alien]**

11. However, Respondents have detained the Petitioner based not on his personal circumstances or individualized facts but because of Respondents' incorrect categorical determination that all persons who have entered the United States without inspection are forever subject to indefinite, mandatory detention as "arriving aliens," and that the Fifth Amendment notwithstanding, noncitizens are not entitled to due process of law.[1]

12. But Respondents cannot evade the law so easily. The U.S. Constitution requires the Respondents provide Petitioner with substantive and procedural due process of law.

13. To the extent that the Respondents intend to subject the Petitioner to indefinite, mandatory detention throughout the remainder of all his proceedings in the United States based on either the July 8, 2025 ICE Policy or the BIA's recent precedential decisions radically reinterpreting existing law in *Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025) (holding that "all noncitizens who fall within the scope of 8 U.S.C. § 1225(b)(1) (arriving aliens) must be detained under that section and are "ineligible for any subsequent release on bond" under § 1226(a)") and to oppose bond before the Immigration Judge (IJ) pursuant to *Matter of Yajure Hurtado*, 29 I &N Dec. 216, 229 (BIA 2025) (holding that IJs have no jurisdiction to consider bond for persons charged as "arriving aliens" in removal proceedings), Petitioner's detention is unlawful, in violation of his Due Process rights and the INA.

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[1] *See, e.g.*, NBC News, Meet the Press interview of President Donald Trump (May 4, 2025), https://www.nbcnews.com/politics/trump-administration/read-full-transcript-president-donald-trump-interviewed-meet-press-mod-rcna203514 (in response to a question whether noncitizens deserve due process under the Fifth Amendment, President Trump replied "I don't know. It seems—it might say that, but if you're talking about that, then we'd have to have a million or 2 million or 2 million trials.").

14. Any characterization of Petitioner's status as an "arriving alien" pursuant to 8 U.S.C. § 1225(b) and his detention without bond by ICE and/or DHS is in violation of the plain language of 8 U.S.C. § 1225(b) and in violation of 8 U.S.C. § 1226(a).

15. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court: (a) to find that Respondents' attempts to detain and/or transfer Petitioner are in violation of the law; (b) to immediately issue an order preventing Petitioner's transfer out of this district; and (c) to order either a bond hearing before an immigration judge or to order the Respondent's immediate release from detention, or, in the alternative, to show cause in writing within three (3) days why the writ of habeas corpus and other relief requested in the petition should not be granted.

JURISDICTION AND VENUE

16. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

17. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), the Immigration and Nationality Act ("INA"), 8 U.S.C. §§ 1101–1537, regulations implementing the INA, the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701–706, and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

18. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

19. The federal government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C. § 702. In addition, sovereign immunity does not bar claims

against federal officials that seek to prevent violations of federal law (rather than provide monetary relief).

20. Venue is proper because Petitioner is detained in Respondents' physical and legal custody at the Buffalo Service Processing Center in Batavia, New York. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their immigration detention. *See, e.g.*, *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

21. Venue is further proper because Respondents are all employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of New York.

22. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Western District of New York, the judicial district in which the Petitioner is currently detained.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

23. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

24. There is no statutory exhaustion requirement in 28 U.S.C § 2241. However, in the absence of a statutory exhaustion requirement, exhaustion is generally judicially required. *See, generally, Howell v. I.N.S.*, 72 F.3d 288, 291 (2nd Cir. 1995) (citing *Guitard v. U.S. Sec'y of Navy*, 967 F.2d 737, 740 (2nd Cir. 1992)). However, exhaustion is a "prudential matter," not a "statutory

requirement." *Artiga v. Genalo*, Case No. 25-cv-5208, 2025 WL 2829434 at *3 (E.D.N.Y. October 5, 2025) (citations omitted).

25. As the court in *Artiga* observed, "[i]ndeed, courts in this Circuit have excused exhaustion when considering whether '(1) available remedies provide no genuine opportunity for adequate relief; (2) irreparable injury may occur without immediate judicial relief; (3) administrative appeal would be futile; and (4) in certain instances a plaintiff has raised a substantial constitutional question.'" *Id.* (quoting *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003), as amended (July 24, 2003)); *see also, J.U. v. Maldonado,* Case No. 25-cv-04836 2025 WL 2772765, at *4 (E.D.N.Y Sep. 29, 2025); *Lopez Benitez v. Francis*, Case No. 25-cv-5937, 2025 WL 2371588, at *14 (S.D.N.Y. Aug. 13, 2025). In this case, all four of those requirements are met.

26. As noted above, the Petitioner has filed a motion for a bond hearing and has been denied by the IJ. **[Exhibit 3 – Order of the Immigration Judge]** The BIA's precedential decisions "serve as precedents in all proceedings involving the same issue or issues." 8 C.F.R. §§ 1003.1(g)(2), (d)(1). Therefore, requiring the Petitioner to appeal that denial to the BIA will certainly result in a holding that anyone who is deemed "[a]n alien present in the United States without being admitted or paroled," will be subjected to mandatory detention without bond under 8 U.S.C. § 1225(b)(2), as it is the BIA itself which issued the precedential decisions in *Matter of Q. Li* and *Matter of Yajure-Hurtado*. Thus, an appeal of the IJ's finding that he has no jurisdiction to continue bond offers no genuine opportunity for adequate relief and would be futile.

27. Further, the Petitioner is already being irreparably injured through his unlawful detention without an individualized determination as to whether he is a flight risk or a risk to public safety. That such irreparable injury would continue without review for six months to a year or

more while awaiting a pointless decision from the BIA, which means that immediate judicial relief is required to prevent further injury to the Petitioner.

28. Finally, there is a substantial constitutional question as to whether the policies developed by Respondents to deprive noncitizens of their liberty violate their due process rights under the Fifth Amendment.

29. Moreover, the fundamental question presented by this petition is whether 8 U.S.C. § 1225 or 8 U.S.C. § 1226 applies to the Petitioner's detention, which is a purely legal question of statutory interpretation which would not be impacted by any administrative record developed on appeal to the BIA. Petitioners all over the United States have raised the Respondents' radical reinterpretation of existing law as a due process violation, and the vast majority (quite literally hundreds) of federal district court judges across the United States have found in favor of the petitioners in habeas on this legal issue.[2]

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[2] *See, e.g., Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *Dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Diaz Diaz v. Mattivelo*, 2025 WL 2457610 (D. Mass. Aug. 27, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Encarnacion v. Moniz*, No. 25-12237 (D. Mass. Sept. 5, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Hilario Rodriguez v. Moniz*, No. 25-12358 (D. Mass. Sept. 18, 2025); *Romero-Nolasco v. McDonald*, 2025 WL 2778036 (D. Mass. Sept. 29. 2025); *Inlago Tocagon v. Moniz*, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Rocha v. Hyde*, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Guerrero Orellana v. Moniz*, 2025 WL 2809996 (D. Mass. Oct. 3, 2025); *Elias Escobar v. Hyde*, 2025 WL 2823324 (D. Mass. Oct. 3, 2025); *Lema Zamora v. Noem*, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Da Silva v. Bondi*, 2025 WL 2969163 (Oct. 21, 2025, D. Mass); *Cortez Rivera v. Hyde*, 2025 WL 2977900 (D. Mass. Oct. 22, 2025); *Moreira Aguiar v. Moniz*, 2025 WL 2987656 (D. Mass. Oct. 22, 2025); *Chogllo Chafla v. Scott*, 2025 WL 2688541 (D. Me. Sept. 2, 2025); *Chang Barrios v. Shepley*, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Perez Pina v. Stamper*, 2025 WL 2939298 (D. Me. Oct. 16, 2025); *Aguilar Guerra v. Joyce*, 2025 WL 2986316 (D. Me. Oct. 24, 2025); *Cesario Souza v. Hyde*, 2025 WL 2997670 (D. Mass. Oct. 24, 2025); *Chanaguano Caiza v. Scott*, 2025 WL 3013081 (D. Me. Oct. 28, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *da Silva v. ICE*, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Loja Lema v. FCI Berlin, Warden*, 2025 WL 3079160 (D.N.H. Nov. 4, 2025); *Ayala Casun v. Hyde*, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Tomas Elias v. Hyde*, 2025 WL 3004437 (D.R.I. Oct. 27, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Savane v. Francis*, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Caraballo Gonzalez v. Joyce*, 2025 WL 2961626 (S.D.N.Y. Oct. 19, 2025); *J.G.O. v. Francis*, 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Tumba Huamani v. Francis*, 2025 WL 3079014 (S.D.N.Y. Nov. 4, 2025); *J.U. v. Maldonado*, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Artiga v. Genalo*, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *Alvarez Ortiz v. Freden*, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025); *Rivera Zumba v. Bondi*, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Mugliza Castillo v. Lyons*, 2025 WL 2940990 (D. N.J. October 10, 2025); *Macancela Buestan v. Chu*, 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Bethancourt Soto v. Soto,* 2025 WL 2976572 (D.N.J. Oct. 22,

2025); *de Fatima Lomeu v. Soto*, 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Lopez Lopez v. Soto*, 2025 WL 2987485 (D.N.J. Oct. 23, 2025); *Contreras Maldonado v. Cabezas*, 2025 WL 2985256 (D.N.J. Oct. 23); *Patel v. Almodovar*, 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Ayala Amaya v. Bondi*, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Del Cid v. Bondi*, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Maldonado de Leon v. Baker*, 2025 WL 2968042 (D. Md. Oct 21, 2025); *Pineda Velasquez v. Noem*, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Quispe-Ardiles v. Noem*, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *Singh v. Lyons*, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Teyim v. Perry*, 2025 WL 2950183 (E.D. Va. Oct. 15, 2025); *Hernandez Hernandez v. Crawford*, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Flores Pineda v. Simon*, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025); *Yobani v. Noem*, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025); *Duarte Escobar v. Perry*, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025); *Aguilar Lares v. Bondi* (E.D. Va. Oct. 29, 2025); *Boquin Oliva v. Noem* (E.D. Va. Oct. 29, 2025); *Sarmiento v. Perry*, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025); *Diaz Garcia v. Noem*, (E.D. Va. Nov. 6, 2025); *S.D.B.B. v. Johnson*, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez Santos v. Noem*, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Ventura Martinez v. Trump*, (W.D. La. Oct. 22, 2025); *Pineda Parada v. Rice*, (W.D. La. Nov. 4, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Gonzalez Martinez v. Noem*, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025); *Buenrostro Mendez v. Bondi*, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Padron Covarrubias v. Vergara*, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Godinez-Lopez v. Ladwig*, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); *Gomez Mejia v. Woosley*, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); *Contreras Orellana v. Noem*, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Martinez-Elvir v. Olson*, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Hernandez-Alonso v. Tindall*, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025; *Lopez-Campos v. Raycroft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Contreras-Cervantes, et al., v. Raycraft*, 2025 WL 952796 (E.D. Mich. Oct. 17, 2025); *Pacheco Mayen v. Raycraft*, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025); *Diaz Sandoval v. Raycraft*, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025); *Casio-Mejia*, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025); *Contreras-Lomeli v. Raycraft*, 2025 WL 2976739 (E.D. Mich. Oct. 21); *Gimenez Gonzalez v. Raycroft*, 2025 WL 3006185, at *1 (E.D. Mich. Oct. 27, 2025); *Sanchez Alvarez v. Noem*, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Rodriguez Carmona v. Noem*, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Puerto-Hernandez v. Lynch*, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *Cervantes Rodriguez v. Noem*, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025); *Marin Garcia v. Noem*, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025); *Morales Chavez v. Director*, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025) (report and recommendation); *Ochoa Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779, (N.D. Ill. Oct. 16, 2025); *H.G.V.U. v. Smith*, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025); *Mariano Miguel v. Noem*, 2025 WL 2976480 (Oct. 21, 2025); *G.Z.T. v. Smith*, No. 1:25-cv-12802 (N.D. Ill. Oct. 21, 2025); *Perez Padilla v. Noem*, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025); *Patel v. Crowley*, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Maldonado v. Crowley*, No. 1:25-cv-12762 (N.D. Ill. Oct. 24, 2025); *Amigon Sanchez v. Olson*, 2025 WL 3004580 (N.D. Ill. Oct. 27, 2025); *Corona Diaz v. Olson*, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025); *Rosales Ponce v. Olson*, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025); *Loza Valencia v. Noem*, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025); *Flores v. Olson*, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025); *D.E.C.T. v. Noem*, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025); *Galvis Cortes v. Olsen*, 2025 WL 3063636 (N.D. Ill. Nov. 3, 2025); *Reyes Arizmendi v. Noem*, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025); *Campos Leon v. Forestal*, 2025 WL 2694763 (S.D. Ind. Sept. 22, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Alejandro v. Olson*, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Ramirez Valverde v. Olson*, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Giron Reyes v. Lyons*, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Lopez De La Cruz v. Noem*, (N.D. Iowa Oct. 20, 2025); *Garcia Picazo, v. Sheehan*, 2025 WL 3006188 (N.D. Iowa Oct. 27, 2025); *Lopez Lopez v. Sheehan*, 2025 WL 3046183 (N.D. Iowa Oct. 30, 2025); *Hernandez Marcelo v. Trump*, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Brito Barrajas v. Noem*, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Santiago Helbrum v. Williams*, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025); *Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Jose J.O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Francisco T. v. Bondi*, 2025 WL 2629839 (D. Minn. Aug. 29, 2025); *Belsai D.S. v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *A.A. v. Olson*, 2025 WL 2866729 (D.Minn.); *Herrera Avila v. Bondi*, 2025 WL 2976539 (D. Minn. Oct. 21, 2025); *R.E. v. Bondi*, (D. Minn. Nov. 4, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Jacinto v. Trump*, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Carmona-*

30. This Honorable Court is not bound by and is not required to give deference to any agency interpretation of a statute. *See Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 413 (2024)

Lorenzo v. Trump, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, 2025 WL 2531566 (D. Neb. Sept 3, 2025); *Lorenzo Perez v. Kramer*, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Ozuna Carlon v. Kramer*, 2025 WL 2624386 (D. Neb. Sept. 11, 2025); *Genchi Palma v. Trump*, 2025 WL 2624385 (D. Neb. Sept. 11, 2025); *Duenas Arce v. Trump*, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Benitez-Cornejo v. Cantu*, 2025 WL 2992211 (N. Ariz. Oct. 17, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Zaragoza Mosqueda et al. v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Gomez Garcia v. Noem*, 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Ruiz Yarleque v. N*oem, 2025 WL 3043936 (C.D. Cal. Oct. 31, 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Guerrero Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Ortiz Donis v. Chestnut*, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *J.S.H.M. v. Wofford*, 2025 WL 2938808 (E.D. Cal. Oct. 16, 2025); *Sabi Polo v. Chestnut*, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025); *Menjivar Sanchez v. Wofford*, 2025 WL 2959274 (C.D. Cal. Oct. 17, 2025); *J.A.E.M. v. Wofford*, 2025 WL 3013377 (E.D. Cal. Oct. 27, 2025); J.*A.C.P. v. Wofford*, 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); subsequent decision 2025 WL 2935630 (N.D. Cal. Oct. 15, 2025); *Castellanos v. Kaiser*, 2025 WL 2689853 (N.D. Cal. Sept. 18, 2025); *Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Roa v. Albarran*, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Cordero Pelico v. Kaiser*, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Alvarez Chavez v. Kaiser*, 2025 WL 2909526 (N.D. Cal.); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Valdovinos v. Noem*, No. 3:25-cv-2439 (S.D. Cal. Sept. 17, 2025); *Martinez Lopez v. Noem*, 2025 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Esquivel-Ipina v. Larose*, 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *Castellanos Lopez v. Warden, Otay Mesa Det. Ctr.*, 2025 WL 3005346 (S.D. Cal. Oct. 27, 2025); *Perez-Gonzalez v. LaRose*, (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia Magadan v. Noem*, 2025 WL 3090089 (S.D. Cal. Nov. 5, 2025); *Rico-Tapia v. Smith,* 2025 WL 2950089 (D. Haw. Oct. 10, 2025); *Maldonado Vazquez v. Feeley*, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Sanchez Roman v. Noem*, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Carlos v. Noem*, 2025 WL 2896156 (D. Nev. Oct. 10, 2025) (TRO); 2025 WL 2998184 (D. Nev. Oct. 24, 2025) (PI); *E.C. v. Noem*, 2025 WL 2916264 (D. Nev.); *Sanchez Aparicio v. Noem,* 2025 WL 2998098 (D. Nev. Oct. 23, 2025); *Dominguez-Lara v. Noem*, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, 2025 WL 3014023 (D. Nev. Oct. 27, 2025); *Arce-Cervera v. Noem*, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *L.A.E. v. Wamsley*, 2025 WL 3037856 (D. Or. Oct. 30, 2025); *Rodriguez Vazquez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025); *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025); *Guzman Alfaro v. Wamsley*, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025); *Mena Torres v. Wamsley,* 2025 WL 2855379 (W.D. Wash. Oct. 8, 2025); *Ortiz Martinez v. Wamsley*, 2025 WL 2899116 (W.D. Wash. Oct. 10, 2025); *Garcia Cortes v. Noem*, 2025 WL 2652880 (D. Colo. 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Sterling*, 1:25-cv-6080 (N.D. Ga. Nov. 3, 2025); *Ortega Jimenez v. Warden FCI Atlanta*, (N.D. Ga. Nov. 6, 2025); *Aguirre Villa v. Normand*, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025); and *Aguirre Villa v. Normand*, 2025 WL 3096116 (S.D. Ga. Nov. 5, 2025).

(holding that federal judges are not required to, and pursuant to the Administrative Procedure Act (the "APA"), are not to defer to an agency interpretation of the law simply because a statute is ambiguous, as that is the role of the federal courts).

31. Finally, the Petitioner's constitutional challenge to his detention does not require exhaustion. Although the BIA can address procedural defects in removal and bond proceedings in immigration court, it cannot adjudicate constitutional claims such as the Petitioner's due process claim here. *See, e.g., United States v. Gonzalez-Roque*, 301 F.3d 39, 47-48 (2d Cir. 2002). Additionally, the issue presented in this case is not an error or a procedural defect that the BIA would be willing to correct – it is an intentional misinterpretation of long-settled law by DHS at the advice and counsel of DOJ in order to run roughshod over the Petitioner's rights (and those of others similarly situated) for an impermissibly punitive purpose.

32. Thus, requiring prudential exhaustion is a futile exercise, and will only result in the continued, indefinite, unlawful detention of the Petitioner.

33. This Honorable Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

34. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

PARTIES

35. Petitioner Feliciano Gonzalez-Castillo is a citizen and national of Mexico. Petitioner entered the United States without inspection in 2004 and was not detained by the

Respondents until October 29, 2025. This is his first contact with federal immigration authorities. Respondents' The Petitioner is eligible to apply for relief from removal in the form of military parole-in-place, as well as for cancellation of removal for certain nonpermanent residents. Petitioner is present within the Western District of New York as of the time of filing this petition, as he is currently detained at the Buffalo Service Processing Center in Batavia, New York.

36. Respondent Joseph E. Freden is the Facility Director of the Buffalo Service Processing Center in Batavia, New York, and the Deputy Director of the Buffalo Field Office for ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate physical custodian for purposes of habeas and is responsible for Petitioner's detention and removal. He is sued in his official capacity

37. Respondent Steven Kurzdorfer is the Acting Director of the Buffalo Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate legal custodian for purposes of habeas and is responsible for Petitioner's detention and removal. He is sued in his official capacity.

38. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens. He is sued in his official capacity.

39. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Respondent Noem has ultimate custodial authority over Petitioner, and her inclusion as a Respondent prevents the Court from losing jurisdiction over this matter in the event that DHS/ICE transfers the Petitioner from his current physical location. She is sued in her official capacity.

LEGAL FRAMEWORK

Indefinite, Mandatory Detention

40. As noted above, Respondents have not charged the Petitioner as an "arriving alien" in the Notice to Appear, which alleges removability pursuant to INA § 212(a)(6)(A)(i), codified at 8 U.S.C. § 1182(a)(6)(A)(i). **[Exhibit 2 – Notice to Appear]** We note that while the document is dated October 17, 2025, it was not signed until October 29, 2025.

41. The Respondents' position, which was followed by the IJ in denying bond for lack of jurisdiction, is that he is subject to indefinite mandatory detention under *Matter of Yajure-Hurtado*. **[Exhibit 3 – Order of the Immigration Judge]** However, whether or not Respondents are correct turns on what provision of law governs Petitioner's detention.

42. As this Honorable Court has jurisdiction over this Petition for a Writ of Habeas Corpus, it must next determine whether the Petitioner's detention is governed by the mandatory detention provisions in 8 U.S.C. § 1225(b)(2) or the discretionary detention provisions in 8 U.S.C. § 1226(a).

43. Noncitizens detained under Section 1225(b)(2) must remain in custody for the duration of their removal proceedings, while those detained under Section 1226(a) are entitled to a bond hearing before an IJ at any time before entry of a final removal order." *See Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1247 (W.D. Wash. 2025).

44. To the contrary, the Petitioner is detained pursuant to 8 U.S.C. § 1226(a).

45. 8 U.S.C. § 1225(a)(1) provides that a noncitizen "present in the United States who has not been admitted or who arrives in the United States . . . shall be deemed for purposes of this chapter an applicant for admission." The statute defines an "applicant for admission" as "[a]n alien

present in the United States who has not been admitted or who arrives in the United States . . . ." 8 U.S.C. § 1225(a)(1).

46. The Respondents' position is that the Petitioner is subject to § 1225(b)(2), which provides that, "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A).

47. In other words, § 1225(b)(2)(A) generally requires mandatory detention of certain "applicant[s] for admission" during their removal proceedings. Individuals subject to mandatory detention under § 1225(b)(2)(A) may, however, be "temporarily released on parole 'for urgent humanitarian reasons or significant public benefit.'" *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting § 1182(d)(5)(A)). This parole "shall not be regarded as an admission" of the noncitizen. 8 U.S.C. § 1182(d)(5)(A).

48. No reasonable person can take the position that Respondents may now properly charge the Petitioner as an "arriving alien" in removal proceedings after more than 21 years in the United States.

49. Unlike § 1225(b)(2)(A), noncitizens who fall under § 1226(a) are not subject to mandatory detention. Pending a removal decision, the Attorney General may continue to detain an arrested noncitizen, release them on bond, or release them on conditional parole, unless they fall within certain exceptions involving criminal offenses and terrorist activities. *See* 8 U.S.C. § 1226(a) (1)-(2), (c).

50. The Respondents have taken the position in courts across the country that § 1226(a), and the possibility of release on bond, only applies to individuals who are present in the country

with lawful status but are in removal proceedings. However, section 1226(a) does not contain a requirement of lawful status, and "courts are not free to read into the language [of a statute] what is not there." *See O'Hara v. Nika Techs., Inc.*, 878 F.3d 470, 475 (4th Cir. 2017).

51. The Respondents' theory also conflicts with the Supreme Court's previous interpretation of the relationship between §§ 1225(b) and 1225(a). In *Jennings*, the Supreme Court explained that § 1225(b) governs noncitizens "seeking admission into the country," whereas § 1226(a) governs noncitizens "already in the country" who are subject to removal proceedings. *Jennings*, 583 U.S. at 289. That interpretation is consistent with the core logic of our immigration system. "[O]ur immigration laws have long made a distinction between those aliens who have come to our shores seeking admission . . . and those who are within the United States after an entry, irrespective of its legality.

52. In the latter instance, court have recognized additional rights and privileges not extended to those in the former category who are merely 'on the threshold of initial entry.'" *Leng May Ma*, 357 U.S. 185, 187 (1958) (*quoting Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953)); *accord Zadvydas*, 533 U.S. 678, 693 (2001) ("The distinction between an alien who has effected an entry into the United States and one who has never entered runs throughout immigration law.").

53. Given this precedent, it is doubtful that Congress intended § 1225(b)(2) to apply to individuals like the Petitioner who was detained after residing and being present in the U.S. for twenty-one years, and who is entitled to apply for relief in the form of Cancellation of Removal for non-Lawful Permanent Residents in immigration court.

Respondents' Refusal to Comply with the *Maldonado-Bautista* Class Action Order

54. The American Civil Liberties Union ("ACLU") filed a nationwide class action challenging July 8, 2025 ICE Policy (now precedent in immigration court via the BIA's decision in *Matter of Yajure-Hurtado*) in *Maldonado Bautista, et al., v. Santacruz, et al.* in the Central District of California. *See Maldonado Bautista, et al., v. Santacruz, et al.*, 5:25-cv-01873-SSS-BFM (C.D. Cal.).

55. On November 25, 2025, the U.S. District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM, ECF No. 82 (C.D. Cal. Nov. 25, 2025) certifying a nationwide class of noncitizens (the "Bond Eligible Class"), including the Petitioner in this matter, who are in immigration detention and being denied access to a bond hearing based on the government's allegation that they entered the United States without admission or inspection (colloquially referred to as "entered without inspection" or "EWI").

56. Importantly, the district court extended the same declaratory relief already granted to the named plaintiffs to the entire class, holding that the government is unlawfully subjecting them to mandatory (meaning no-bond) detention and that class members are eligible for release on bond under the immigration laws. *Id.* at page 14. ("When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.") Thus, under the *Maldonado-Bautista* court's order, class members should be able to request a bond hearing in immigration court before an IJ who must consider whether they are suitable for release on bond while their removal proceedings are pending. That order has not, at this time, been stayed.

57. However, shockingly, the U.S. Department of Justice ("DOJ") Office of Immigration Litigation has reportedly advised the Executive Office for Immigration Review (the

specialized agency within DOJ that is administers the immigration court system) that the declaratory judgment is not binding on the agency, even though the DOJ is, itself, a Defendant in *Maldonado Bautista* (Attorney General Pamela Bondi was sued as a defendant in her official capacity).

58. Class counsel in *Maldonado* Bautista, 5:25-cv-01873-SSS-BFM (C.D. Cal.), has filed

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

59. Petitioner restates and realleges all paragraphs as if fully set forth here.

60. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

61. To determine whether a civil detention violates a detainee's Fifth Amendment procedural due process rights, courts in this circuit apply the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2nd Cir. 2020) (applying the *Matthews v. Eldridge* test in the context of immigration).

62. *Matthews v. Eldridge* requires a court to consider the following three factors: "(1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest; and (3) the Government's interest, including the fiscal and administrative burdens that the additional or substitute procedures entail." *Id.* (quoting *Mathews*, 424 U.S. at 335).

63. In *Lopez Velasco*, the United States Court of Appeals for the Second Circuit observed that, "[h]ere, the private interest affected by the official action is the most significant liberty interest there is—the interest in being free from imprisonment." *Id.* (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004)).

64. The Second Circuit further observed that, "[c]ase after case instructs us that in this country liberty is the norm and detention 'is the carefully limited exception.'" *Id.* (quoting *United States v. Salerno*, 481 U.S. 739, 755, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987)).

65. "We have always been careful not to minimize the importance and fundamental nature of the individual's right to liberty." *Id.* at 529-530 (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992); *see also Hamdi*, 542 U.S. at 529–30, 124 S.Ct. 2633). "In the same vein, "[i]t is clear that commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *Id.* (quoting *Jones v. United States*, 463 U.S. 354, 361, 103 S.Ct. 3043, 77 L.Ed.2d 694 (1983)).

66. The Petitioner in this case was detained without a proper warrant, based on no individualized circumstances applicable to him and denied an individualized determination of whether or not he is a flight risk or a risk to public safety, which he is not.

67. Further, the Petitioner is being detained indefinitely based upon the Administration's novel interpretation of existing law, and without notice or any opportunity to contest the redetermination of his custody.

68. All of the foregoing violates the Petitioner's due process rights under the Fifth Amendment.

COUNT TWO
Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A), the Immigration and Nationality Act – 8 U.S.C. § 1226, and Federal Regulations
Not in Accordance with Law and in Excess of Statutory Authority
Unlawful Detention

69. Petitioner restates and realleges all paragraphs as if fully set forth here.

70. Under the APA, a court shall "hold unlawful and set aside agency action" that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

71. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (*quoting Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

72. To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

73. By categorically detaining the Petitioner and transferring Petitioner away from the district in which he resides or the district in which he lives without consideration of Petitioner's individualized facts and circumstances, Respondents have violated the INA, implementing regulations, and the APA.

74. On information and belief, Respondents have made no finding that Petitioner is a danger to the community or a flight risk.

75. By detaining and transferring the Petitioner categorically, Respondents have further abused their discretion because, since the agency made its initial determination to release the

Petitioner into the United States, on information and belief, there have been no changes to Petitioner's facts or circumstances that support detention.

76. The Petitioner is entitled to an individualized determination as to whether he is a flight risk or danger to the community in the form of a bond hearing by an immigration judge.

77. Moreover, under the APA, an agency must provide "reasoned explanation for its action" and "may not depart from a prior policy *sub silentio* or simply disregard rules that are still on the books." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). *see also Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1, 24-33 (2020) (holding that rescission of immigration policy without considering "particular reliance interests" is arbitrary and capricious in violation of the APA).

78. Detention in violation of the APA and the INA constitutes a violation of the Petitioner's right to due process of law under the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

a) Assume jurisdiction over this matter;
b) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
c) Declare that Petitioner's warrantless arrest and detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
d) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately, or, in the alternative, to promptly provide him with a bond hearing before an immigration judge;
e) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
f) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
g) Grant any further relief this Court deems just and proper.

Dated this 10th day of December, 2025,

Respectfully submitted,

/s/Jonathan Langer
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ATTORNEYS FOR PETITIONER

*Motion for Admission *pro hac vice* forthcoming

VERIFICATION

On this 10th day of December, 2025, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. I make this verification in lieu of and acting on behalf of Petitioner, Feliciano Gonzalez-Castillo because the Petitioner is currently detained and because of the urgent nature of the relief requested. I am authorized to make this verification as a member of the legal team representing the Petitioner, Feliciano Gonzalez-Castillo.

Dated: 12/10/2025

East Lansing, MI

s/ Amy Maldonado

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